IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the May 16th, 2006

Criminal Misc. Bail Application No.410 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Rambharoshey Singh Yadav
S/o Sri Suraj Pal Singh
R/o village Chilakali
P.S. Surpura
District Bhind, Madhya Pradesh ..….Applicant

Versus

State of Uttaranchal ……..Opposite Party

Arising out of case crime No.5 of 2006
Under Sections 379 IPC
P.S. Raiwala
District Dehradun

Hon'ble J. C. S. Rawat, J.

Heard Sri M. K. Goyal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The case diary is available with the learned AGA. The FIR was lodged on 21.01.2006 alleging therein that on one Scorpio Car Jitendra Sharma was the driver of Rishipal. Jitendra Sharma went to Pauri to drop the cousin of Rishipal on 16.01.2006. While he was coming back, the complainant called him on mobile phone and stated him to bring his medicines from Ashram of Baba Ram Dev, Haridwar. When the driver proceeded towards Haridwar, the applicant and one lady stopped the vehicle. Thereafter, the applicant displayed his I-Card in which his name was written as "Bahadur Singh". The applicant disclosed his identity as BSF Personnel. They went to Ashram and the driver also remained there in the night. In the morning, the driver found that the applicant and lady have taken away the Car and his mobile phone. Thereafter, the search was made but the car was not recovered and the FIR was lodged. The applicant-accused was apprehended in Delhi and he was identified as Rambharoshey. The present applicant impersonated himself as personnel as BSF. The present applicant is the resident of Madhya Pradesh. The learned counsel for the applicant could not show me

that there is an enmity between the parties and due to which the applicant has been falsely implicated in this case. There is no reason why the driver and witnesses will falsely implicate the applicant as the perpetrator of the crime if he had not actually committed the offence. The applicant has been identified as alleged by the prosecution. There is a prima facie evidence against the applicant. Considering the facts, contentions and totality of the circumstances of the case, it is not a fit case for bail. Therefore, the bail application is hereby rejected. Rejected.

(J.C.S. Rawat, J.)

Dated 16.05.2006

LSR